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9/27/07

In re Application of:

Falotico, Robert, et. al.

Serial No. 10/780,596

Filed: February 18, 2004

Docket: CRD-5065

Title:

LOCAL VASCULAR DELIVERY OF
CLADRIBINE IN COMBINATION
WITH RAPAMYCIN TO PREVENT
RESTENOSIS FOLLOWING
VASCULAR INJURY

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed on July 5, 2007. The petitioner requests withdrawal of the holding of abandonment pursuant to 37 CFR 1.181(a).

The petition is **GRANTED**.

The present application was held abandoned for failure to timely respond to the Non-Final Rejection mailed on October 11, 2006 which set forth a three-month period for reply. Notice of abandonment was mailed on July 03, 2007.

Petitioner asserts that a timely response to the Non-Final Rejection was submitted electronically on January 11, 2007. The petitioner has supplied a copy of the amendment as well as an Electronic Acknowledgement Receipt indicating a receipt date of January 11, 2007. The Office's Electronic Business Center confirmed that the Amendment was received on January 11, 2007.

As the petitioner has provided convincing evidence that a timely reply to the Non-Final Rejection was submitted on January 11, 2007, there is no abandonment in fact. Any inconvenience or delay caused to applicant is regretted.

In view of the above, the Notice of Abandonment mailed July 3, 2007 is in error and is hereby vacated. The holding of abandonment is withdrawn. This application is being forwarded to the examiner in Art Unit 3738 for appropriate action.

PETITION GRANTED

Karen M. Young, Director
Technology Center 3700